
**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

MY HEALTH, INC.,

Plaintiff,

v.

ALERE, INC.,

Defendant.

Civil Action No. 2:14-cv-652

(JURY TRIAL DEMANDED)

STIPULATION OF DISMISSAL WITH PREJUDICE

Plaintiff My Health, Inc. ("My Health") and defendant Alere Inc. ("Alere") stipulate that they have reached final agreement on settlement of the claims made in this action and all other claims or counterclaims that might have been brought relating to U.S. Patent No. 6,612,985 ("the '985 patent"), and based upon the agreement, consent and approval of the parties, through their respective attorneys, further stipulate as follows:

1. This Court has personal jurisdiction over My Health and, for the purposes of this stipulation, Alere, with respect to this action. This Court also has jurisdiction over the subject matter of this action.

2. Each claim made and that could have been made by My Health against Alere and/or any of its affiliates for infringement of the '985 patent, and each counterclaim that could have been made by Alere against My Health with respect to the '985 patent, in this action is hereby dismissed with prejudice on the basis of the settlement reached, pursuant to Fed. R. Civ. P. 41.

3. Each party shall bear its own costs and attorneys' fees.

4. The Court shall retain jurisdiction over this matter to ensure that the terms and conditions of the parties' settlement agreement are honored and enforced

Respectfully Submitted,

DATED: December 2, 2014

/s/ Elizabeth L. DeRieux

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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF CONFERENCE

I certify that I have complied with the meet and confer requirement in Local Rule CV-7(H) and this stipulation is agreed.

/s/ Elizabeth L. DeRieux

CERTIFICATE OF SERVICE

I hereby certify that counsel of record who are deemed to have consented to electronic service are being served this 2nd day of December, 2014, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3), or to the extent not available in that manner, counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ Elizabeth L. DeRieux
